

**DEPARTMENT OF AGRICULTURE
CORN CHECK-OFF FUND OF THE
SOUTH DAKOTA CORN
UTILIZATION COUNCIL**

**DEPARTMENT OF AGRICULTURE
CORN CHECK-OFF FUND OF THE
SOUTH DAKOTA CORN UTILIZATION COUNCIL**

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INDEPENDENT AUDITOR'S REPORT

The Honorable M. Michael Rounds
Governor of South Dakota

and

The Board of Directors
South Dakota Corn Utilization Council
Sioux Falls, South Dakota

We have audited the accompanying balance sheet of the Department of Agriculture Corn Check-off Fund of the South Dakota Corn Utilization Council as of June 30, 2009, and the related statement of revenues, expenditures and changes in fund balance for the year then ended. These financial statements are the responsibility of the Council's management. Our responsibility is to express an opinion on these financial statements based on our audit.

We conducted our audit in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States of America. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free of material misstatement. An audit includes consideration of internal control over financial reporting as a basis for designing audit procedures that are appropriate to the circumstances, but not for expressing an opinion of the effectiveness of the Council's internal control over financial reporting. An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements. An audit also includes assessing the accounting principles used and significant estimates made by management, as well as evaluating the overall financial statement presentation. We believe that our audit provides a reasonable basis for our opinion.

As discussed in Note 1, the financial statements present only the Department of Agriculture Corn Check-Off Fund of the South Dakota Corn Utilization Council and do not purport to, and do not, present fairly the financial position of the State of South Dakota as of June 30, 2009, and the changes in its financial position for the year then ended in conformity with accounting principles generally accepted in the United States of America.

In our opinion, the financial statements referred to above present fairly, in all material respects, the financial position of the Department of Agriculture Corn Check-Off Fund of the South Dakota Corn Utilization Council as of June 30, 2009, and the results of its operations for the year then ended in conformity with accounting principles generally accepted in the United States of America.

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In accordance with *Government Auditing Standards*, we have also issued our report dated November 24, 2009, on our consideration of the Council's internal control over financial reporting and on our tests of its compliance with certain provisions of laws, regulations, contracts and grant agreements and other matters. The purpose of that report is to describe the scope of our testing of internal control over financial reporting and compliance and the results of that testing, and not to provide an opinion on the internal control over financial reporting or on compliance. That report is an integral part of an audit performed in accordance with *Government Auditing Standards* and should be considered in assessing the results of our audit.

The Department of Agriculture Corn Check-off Fund of the South Dakota Corn Utilization Council has not presented Management's Discussion and Analysis (MD & A) or certain budgetary information as required by the Governmental Accounting Standards Board that accounting principles generally accepted in the United States has determined is necessary to supplement, although not required to be part of, the basic financial statements.

Our audit was performed for the purpose of forming an opinion on the financial statements taken as a whole. The schedule listed in the table of contents is presented for purposes of additional analysis and is not a required part of the financial statements of the Department of Agriculture Corn Check-off Fund of the South Dakota Corn Utilization Council. Such information has been subjected to the auditing procedures applied in the audit of the financial statements and, in our opinion, is fairly presented in all material respects in relation to the financial statements taken as a whole.

A handwritten signature in black ink, appearing to read "Eide Bailey". The signature is written in a cursive, flowing style.

Sioux Falls, South Dakota
November 24, 2009

**DEPARTMENT OF AGRICULTURE
CORN CHECK-OFF FUND OF THE
SOUTH DAKOTA CORN UTILIZATION COUNCIL
SCHEDULE OF PRIOR AUDIT FINDINGS AND QUESTIONED COSTS
YEAR ENDED JUNE 30, 2009**

The prior year audit findings related to segregation of duties for the revenue function and for the expenditure function, preparation of the financial statements and footnotes by the auditor, and adjusting journal entries have not been resolved and are restated on pages 11 and 12.

**DEPARTMENT OF AGRICULTURE
CORN CHECK-OFF FUND OF THE
SOUTH DAKOTA CORN UTILIZATION COUNCIL
BALANCE SHEET
JUNE 30, 2009**

| | <u>Corn Check-off Fund</u> |
|---|------------------------------------|
| ASSETS | |
| Cash and investments | \$ 1,189,324 |
| Interest receivable | <u>14,666</u> |
| TOTAL ASSETS | <u><u>\$ 1,203,990</u></u> |
| LIABILITIES AND FUND BALANCE | |
| Accounts payable | <u>\$ 99,542</u> |
| TOTAL LIABILITIES | <u>99,542</u> |
| UNRESERVED FUND BALANCE | <u>1,104,448</u> |
| TOTAL LIABILITIES AND FUND BALANCE | <u><u>\$ 1,203,990</u></u> |

**DEPARTMENT OF AGRICULTURE
CORN CHECK-OFF FUND OF THE
SOUTH DAKOTA CORN UTILIZATION COUNCIL
STATEMENT OF REVENUES, EXPENDITURES AND CHANGES IN FUND BALANCE
YEAR ENDED JUNE 30, 2009**

| | Corn Check-off Fund |
|---|---------------------------|
| REVENUES | |
| Check-off fees | \$ 3,441,428 |
| Investment return - SD Investment Council | 97,080 |
| Miscellaneous revenue | 2,451 |
| Total revenues | <u>3,540,959</u> |
| EXPENDITURES | |
| Grants and subsidies | 2,452,823 |
| Contractual services | 1,122,013 |
| Personnel services | 88,762 |
| Travel | 70,335 |
| Supplies and materials | 31,487 |
| Security lending | 636 |
| Total expenditures | <u>3,766,056</u> |
| EXCESS OF EXPENDITURES OVER REVENUES | (225,097) |
| FUND BALANCE, JULY 1, 2008 | <u>1,329,545</u> |
| FUND BALANCE, JUNE 30, 2009 | <u>\$ 1,104,448</u> |

**DEPARTMENT OF AGRICULTURE
CORN CHECK OFF FUND OF THE SOUTH DAKOTA
CORN UTILIZATION COUNCIL
NOTES TO FINANCIAL STATEMENTS
JUNE 30, 2009**

NOTE 1 - SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES

Reporting Entity

The fund included in this report is a fund of the State of South Dakota Corn Utilization Council. The South Dakota Corn Utilization Council is a functional subunit of the Department of Agriculture which was created under SDCL 38-32 for market maintenance and expansion, research, education, transportation, and for the prevention, modification or elimination of trade barriers which obstruct the free flow of corn and corn products to market.

Fund Accounting

The accounts are organized on the basis of funds, each of which is considered a separate accounting entity, with its own set of self-balancing accounts that comprise its assets, liabilities, fund equity, revenues, and expenditures, or expenses, as appropriate. Government resources are allocated to and accounted for in individual funds based upon the purpose for which they are to be spent and the means by which spending activities are controlled. The fund in this report is classified as follows:

Governmental Fund Type

Special Revenue Funds -- Special Revenue Funds are used to account for the proceeds of specific revenue sources (other than special assessments, expendable trusts or major capital projects) that are legally restricted to expenditures for specified purposes. The Corn Check-off Fund is a Special Revenue Fund for the collection and expenditure of corn check-off fees.

Basis of Accounting

Basis of accounting refers to when revenues and expenditures or expenses are recognized in the accounts and reported in the financial statements.

All governmental funds are accounted for on the modified accrual basis of accounting. The modified accrual basis of accounting recognizes revenues in the period in which they become available and measurable. The revenue which was accrued at June 30, 2009, is interest receivable. Expenditures are generally recognized when the related fund liability is incurred.

Cash

Cash includes cash on hand, demand deposits and a participating interest in the State's internal investment pool held by the State Treasurer. The amount held in the State's internal investment pool is reported at fair value.

Deposits

Management of the State's internal investment pool is the statutory responsibility of the South Dakota Investment Council (SDIC). The investment policy and required risk disclosures for the State's internal investment pool are presented in the SDIC's audit report which can be obtained by contacting the Department of Legislative Audit, 427 South Chapelle, c/o 500 East Capitol, Pierre, South Dakota 57501.

NOTES TO FINANCIAL STATEMENTS

Custodial credit risk is the risk that in the event of a bank failure, the government's deposits may not be returned to it. The government does not have a deposit policy for custodial credit risk. The bank account is insured by the Federal Deposit Insurance Corporation up to \$250,000. At times during the year, the organization's bank balance exceeded this limit.

The carrying amount of cash deposits was \$2,421 at June 30, 2009. Deposits are reported at cost, plus interest, if the account is of the add-on type.

The South Dakota Corn Utilization Council participates in the investment pool managed by the South Dakota Investment Council. Under South Dakota Codified Law, the South Dakota Investment Council pools all participating monies for investment purposes and allocates all earnings of the investments back to the individual participating funds in the same ratio as the average daily cash balance of each participating fund bears to the average cash balance of the participating funds.

Cost and fair value, which approximates market value, of cash and investments on June 30, 2009, consist of the following:

| | <u>Cost</u> | <u>Fair Value</u> |
|---|---------------------|---------------------|
| Cash and investments managed by the South Dakota Investment Council | <u>\$ 1,151,311</u> | <u>\$ 1,186,766</u> |

At June 30, 2009, all investments of the South Dakota Corn Utilization Council were classified into the following risk category: investments that are insured or registered or which securities are held by the Council or its agent in the Council's name. South Dakota Codified Laws permit the Council funds to be invested in securities of the United States Government, either directly or indirectly, and redeemable within eighteen months from the date of purchase. The maturity date may exceed eighteen months.

Subsequent Events

The Council has evaluated subsequent events through November 24, 2009, the date which the financial statements were available to be issued.

NOTE 2 - CHECK-OFF FEES

The South Dakota Corn Utilization Council, pursuant to SDCL 38-22, has imposed a one cent per bushel assessment on all corn marketed to a first purchaser within the state. The assessments are deducted from the purchase price by the first purchaser and remitted to the South Dakota Corn Utilization Council within 30 days after the end of each calendar quarter. Any grower subject to this assessment may, within 60 days of the assessment, make application to the South Dakota Corn Utilization Council for refund of the assessment. Check-off fees reported in this report are presented net of amounts refunded in accordance with accounting principles generally accepted in the United States of America. For the fiscal year ended June 30, 2009, fees totaling \$3,850,644 were collected and fees totaling \$409,216 were refunded.

NOTES TO FINANCIAL STATEMENTS

NOTE 3 - STATEMENT OF EXPENSES PAID – BUDGET AND ACTUAL (BUDGETARY BASIS)

| | | 2009 | |
|------------------------|---------------------|---------------------|-------------------|
| | Budgeted | Actual | Variance |
| Contractual services | \$ 3,506,560 | \$ 3,574,836 | \$ (68,276) |
| Personnel services | 123,911 | 88,762 | 35,149 |
| Other | 500,000 | 636 | 499,364 |
| Travel | 100,000 | 70,335 | 29,665 |
| Supplies and materials | 30,034 | 31,487 | (1,453) |
| Total | <u>\$ 4,260,505</u> | <u>\$ 3,766,056</u> | <u>\$ 494,449</u> |

NOTE 4 - MANAGEMENT AGREEMENT

South Dakota Corn Utilization Council (SDCUC) has a management agreement with South Dakota Corn Growers Association (SDCGA). The management agreement is renewed at the end of each fiscal year and may be terminated by either party with a one hundred eighty day written notice. Under this agreement, SDCGA shares their employees with SDCUC. These shared positions are as follows: Office Manager, Administrative Assistant, Communications Director, and Market Development Director and Legislative and Industry Director. Additionally, the management agreement provides for office space rental, insurance, use and maintenance of office equipment, office supplies, and telephone expenses.

SDCUC pays a monthly fee for these benefits. This fee is based upon a percentage of the estimated total cost for the above personnel and office expenses and a 15% operating margin. For the fiscal year ended June 30, 2009, the total costs and operating margin paid to SDCGA by SDCUC were \$455,213.

NOTE 5 - RETIREMENT PLAN

The South Dakota Corn Utilization Council participates in the South Dakota Retirement System (SDRS), a cost sharing, multiple employer defined benefit pension plan established to provide retirement, disability, and survivor benefits for employees of the State and its political subdivisions. Authority for establishing, administering, and amending plan provisions is found in SDCL 3-12. The SDRS issues a publicly available financial report that includes financial statements, footnote disclosures, and required supplementary information. That report may be obtained by writing to the SDRS, P.O. Box 1098, Pierre, SD 57501-1098 or by calling (605) 773-3731.

Employees are required by state statute to contribute 6 percent of their salary to the plan. State statute also requires the employer to contribute an amount equal to the employee's contribution. The right to receive retirement benefits vests after three years of credited service. The South Dakota Corn Utilization Council contributions to the SDRS for the fiscal years ended June 30, 2009, 2008, and 2007 were \$6,922, \$6,678 and \$5,356 respectively, equal to the required contributions each year.

NOTE 6 - RISK MANAGEMENT

The Council is exposed to various risks of loss related to torts, theft of, damage to, and destruction of assets; errors and omissions; injuries to employees; and natural disasters. The Council carries commercial insurance for all significant risks of loss. Settled claims resulting from these risks have not exceeded commercial insurance coverage in any of the past three years.



**INDEPENDENT AUDITOR'S REPORT ON INTERNAL CONTROL OVER FINANCIAL REPORTING
AND ON COMPLIANCE AND OTHER MATTERS BASED ON AN AUDIT OF FINANCIAL
STATEMENTS PERFORMED IN ACCORDANCE WITH GOVERNMENT AUDITING STANDARDS**

The Honorable M. Michael Rounds
Governor of South Dakota

and

The Board of Directors
South Dakota Corn Utilization Council
Sioux Falls, South Dakota

We have audited the financial statements of the Department of Agriculture Corn Check-off Fund of the South Dakota Corn Utilization Council (Council) as of and for the year ended June 30, 2009, and have issued our report thereon dated November 24, 2009. We conducted our audit in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States.

Internal Control Over Financial Reporting

In planning and performing our audit, we considered the Department of Agriculture Corn Check-off Fund of the South Dakota Corn Utilization Council's internal control over financial reporting as a basis for designing our audit procedures for the purpose of expressing our opinion on the financial statements, but not for the purpose of expressing an opinion on the effectiveness of the Council's internal control over financial reporting. Accordingly we do not express an opinion on the effectiveness of the Council's internal control over financial reporting.

Our consideration of internal control over financial reporting was for the limited purpose described in the preceding paragraph and would not necessarily identify all deficiencies in internal control over financial reporting that might be significant deficiencies or material weaknesses. However, as discussed below, we identified certain deficiencies in internal control over financial reporting that we consider to be significant deficiencies.

A control deficiency exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent or detect misstatements on a timely basis. A significant deficiency is a control deficiency, or combination of control deficiencies, that adversely affects the Council's ability to initiate, authorize, record, process, or report financial data reliably in accordance with generally accepted accounting principles such that there is more than a remote likelihood that a misstatement of the Council's financial statements that is more than inconsequential will not be prevented or detected by the Council's internal control. We consider the deficiencies described in the accompanying schedule of findings to be significant deficiencies in internal control over financial reporting (Findings 2009-1, 2009-2 and 2009-3).

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A material weakness is a significant deficiency, or combination of significant deficiencies, that results in more than a remote likelihood that a material misstatement of the financial statements will not be prevented or detected by the Council's internal control.

Our consideration of the internal control over financial reporting was for the limited purpose described in the first paragraph of this section and would not necessarily identify all deficiencies in the internal control that might be significant deficiencies and, accordingly, would not necessarily disclose all significant deficiencies that are also considered to be material weaknesses. However, we believe that none of the significant deficiencies noted above are material weaknesses.

Compliance and Other Matters

As part of obtaining reasonable assurance about whether the Council's financial statements are free of material misstatement, we performed tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements, noncompliance with which could have a direct and material effect on the determination of financial statement amounts. However, providing an opinion on compliance with those provisions was not an objective of our audit and, accordingly, we do not express such an opinion. The results of our tests disclosed no instances of noncompliance that are required to be reported under *Government Auditing Standards*.

Department of Agriculture Corn Check-off Fund of the South Dakota Corn Utilization Council's response to the findings identified in our audit are described in the accompanying schedule of findings. We did not audit the Council's response and, accordingly, we express no opinion on it.

This report is intended solely for the information of the board of directors, management and the South Dakota Department of Agriculture. This report is not intended to be and should not be used by anyone other than these specified parties. However, this report is a matter of public record and its distribution is not limited.

A handwritten signature in cursive script that reads "Eide Bailly LLP".

Sioux Falls, South Dakota
November 24, 2009

**DEPARTMENT OF AGRICULTURE
CORN CHECK OFF FUND OF THE SOUTH DAKOTA
CORN UTILIZATION COUNCIL
SCHEDULE OF FINDINGS
YEAR ENDED JUNE 30, 2009**

Finding Number 2009-1 – Lack of Proper Segregation of Duties for the Revenue and Expenditure Functions

Condition: There is a lack of segregation of duties within the cash receipts/revenue and expenditure functions. The same individual, who reconciles revenue received to the remittance forms, prepares vouchers to request funds, prepares the deposit, records amounts to the general ledger and reconciles the bank statement. The individual also prepares checks, records disbursements to the general ledger and mails checks.

Criteria: In order to achieve a high level of internal control, the functions of executing transactions, recording transactions and maintaining accountability for assets should be performed by different employees or be maintained under dual control.

Effect: Proper segregation of duties helps to minimize the chance of undetected errors or defalcations, since the work of one person serves as a “check” on the work of another.

Recommendation: Due to the small size of the office, the Council is limited in the options available to them. Under this situation, the most effective control is management and the board’s oversight and knowledge of matters relating to the operations of the Council.

Management’s Response: We have evaluated the segregation of duties over the revenue function and over the expenditure function. We believe that the risk related to the lack of segregation of duties is mitigated to a low level by the oversight of our board of directors.

Finding Number 2009-2 – Preparation of Financial Statements

Condition: Proper controls over financial reporting include the ability to prepare financial statements and accompanying notes to the financial statements that are materially correct.

Criteria: The Council does not have an internal control system designed to provide for the preparation of the financial statements being audited. As auditors, we were requested to draft the financial statements and accompanying notes to the financial statements. This circumstance is not unusual for an organization of this size. It is the responsibility of management and those charged with governance to make the decision whether to accept the degree of risk associated with this condition because of cost or other considerations.

Effect: Inadequate controls over financial reporting of the Council could result in the likelihood that the Council would not be able to draft the financial statements and accompanying notes to the financial statements that are materially correct without the assistance of the auditors.

Recommendation: While we recognize that this condition is not unusual for an organization of your size, it is important that you be aware of this condition for financial reporting purposes. Management and the Board should continually be aware of the financial reporting of the Council and changes in reporting requirements.

Management’s Response: Management and the board of directors will review for propriety the draft financial statements and footnotes prepared by the auditor. Due to the Council’s size, we will accept the risk associated with this condition based on cost and other considerations. The cost of any further controls would outweigh the related benefits.

Finding Number 2009-3 – Adjusting Journal Entries

Condition: During the course of our engagement, we identified two significant audit adjustments. The first adjustment was made to accurately reflect accounts payable, which was understated by \$84,000. The second significant audit adjustment was to adjust the investment account by \$103,000 to market value.

Criteria: Proper controls over financial reporting include the regular reconciliation of accounts and preparation and review of journal entries to the general ledger.

Effect: Inadequate controls over financial reporting of the organization could result in the likelihood that the organization would not be able to identify necessary journal entries and post them to the general ledger in a timely fashion.

Recommendation: We recommend the Council review its policies and procedures related to period end entries to ensure that all adjustments have been made to the trial balance at year end. We suggest for management to continually be aware of the financial reporting of the Council and the internal controls that impact financial reporting. We also strongly recommend that part of the review procedures by management includes the initials of the reviewer on the reconciliation to provide better documentation of the approval process.

Management's Response: Management understands the importance of regular reconciliation of general ledger accounts and of the review of these reconciliations to ensure accuracy and completeness. Management will review its financial reporting procedures and take the necessary steps to modify procedures to include the formal signoff at the review stage of the reconciliation process.

DEPARTMENT OF AGRICULTURE
SOUTH DAKOTA CORN UTILIZATION COUNCIL
LIST OF OFFICIALS
JUNE 30, 2009

| | |
|-------------------------------------|----------------------------|
| David Fremark, President | St. Lawrence, South Dakota |
| Keith Alverson, Vice President | Chester, South Dakota |
| Brian Smith, Secretary | Montrose, South Dakota |
| Chad Blindauer, Treasurer | Mitchell, South Dakota |
| David Gillen, Chairman | White Lake, South Dakota |
| Frank Kralicek | Yankton, South Dakota |
| Darren Ihnen | Hurley, South Dakota |
| Andy Dupraz | Aurora, South Dakota |
| Mark Lounsbery | Reville, South Dakota |
| Bill Whipple | Wilmot, South Dakota |
| Francis Hass | Raymond, South Dakota |
| Mark Gross | Bridgewater, South Dakota |
| R. Mark Garber | Pierre, South Dakota |
| Kirk Schaunaman | Aberdeen, South Dakota |
| Bryan Jorgensen | Ideal, South Dakota |
| Lisa Richardson, Executive Director | Sioux Falls, South Dakota |